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EXAMINER				
HEYI, HENOK G				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/562,795

**Applicant(s)**

SATO ET AL.

**Examiner**

HENOK G. HEYI

**Art Unit**

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 20 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. What applicant is claiming in claim 1 is a computer program which is a judicial exception and a non-statutory subject matter.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Katsuki US 2004/0062154 A1 (Katsuki hereinafter).

Regarding claim 1, Katsuki teaches an audio data search control apparatus (see Fig. 1) comprising: a pickup capable of moving on a multi-session disk in a radial direction thereof (the optical disc drive 1 includes: an optical pick-up (optical head) 3 which is capable of moving in a radial direction of the loaded optical disc 2, para [0060]); and a microcomputer for controlling the movement of the pickup (The control means 9 is generally constituted from a microcomputer (CPU). The control means 9 controls the overall of the elements of the optical disc drive 1, including the optical pick-up 3, para

[0061]), wherein the microcomputer executes: a first step for judging whether or not a search operation for a last audio data file in an optional session is completed during the search operation in the session (The optical disc drive sets "1" to a session number (SN), namely, specifies a first session (Step S202), searches the lead-in area of the first session (Step S203), and acquires the TOC information of this session (Step S204), Para [0008]); a second step for forcing to move the pickup during a required forcible-movement time length along the radial direction of the disk upon the judgment in the first step that the search operation is completed (in the case where it is judged that there is next session, the session number increments by 1 (1 is added to the present session number) (Step S207), para [0010]); and a third step for restarting the search operation in a next session according to a different format after the forcible movement is completed (and then the optical disc drive repeatedly carries out the same process at Steps S203-S206 again, para [0010]).

Regarding claim 2, Katsuki teaches the audio data search control apparatus according to claim 1, wherein an optimum forcible-movement time length corresponding to a positional information of the pickup on the disk is obtained, and the pickup is forcibly moved along the radial direction of the disk during the optimum forcible-movement time length in the second step upon the judgment in the first step that the search operation is completed (If there is a next session, for example, in the case of the track structure of the optical disc 2 as shown in FIG. 3, position information (time information) of the start position (start time) of the lead-in area of the second session is recorded in the TOC information in the lead-in area of the first session, para [0082]).

Regarding claim 3, Katsuki teaches an audio data search control apparatus (see Fig. 1) comprising: a pickup capable of moving on a multi-session disk in a radial direction thereof (the optical disc drive 1 includes: an optical pick-up (optical head) 3 which is capable of moving in a radial direction of the loaded optical disc 2, para [0060]); and a microcomputer for controlling the movement of the pickup (The control means 9 is generally constituted from a microcomputer (CPU). The control means 9 controls the overall of the elements of the optical disc drive 1, including the optical pick-up 3, para [0061]), wherein the microcomputer executes: a first step for judging whether or not a search operation for a last audio data file in an optional session during the search operation in the session (The optical disc drive sets "1" to a session number (SN), namely, specifies a first session (Step S202), searches the lead-in area of the first session (Step S203), and acquires the TOC information of this session (Step S204), Para [0008]); a second step for jumping the pickup over a required number of jumping tracks along the radial direction of the disk upon the judgment in the first step that the search operation is completed (in the case where it is judged that there is next session, the session number increments by 1 (1 is added to the present session number) (Step S207), para [0010]); and a third step for restarting the search operation in a next session according to a different format when the track jump is completed in the second step (and then the optical disc drive repeatedly carries out the same process at Steps S203-S206 again, para [0010]).

Regarding claim 4, Katsuki teaches the audio data search control apparatus according to claim 3, wherein an optimum number of jumping tracks corresponding to a

positional information of the pickup on the disk is obtained, and the pickup is jumped over the optimum number of jumping tracks along the radial direction of the disk in the second step upon the judgment in the first step that the search operation is completed (If there is a next session, for example, in the case of the track structure of the optical disc 2 as shown in FIG. 3, position information (time information) of the start position (start time) of the lead-in area of the second session is recorded in the TOC information in the lead-in area of the first session, para [0082]).

Regarding claim 5, Katsuki teaches the audio data search control apparatus according to claim 3, wherein the pickup is jumped over a required number of jumping tracks along the radial direction of the disk, it is judged whether or not the track jump is successful (If there is a next session, for example, in the case of the track structure of the optical disc 2 as shown in FIG. 3, position information (time information) of the start position (start time) of the lead-in area of the second session is recorded in the TOC information in the lead-in area of the first session, para [0082]), and the pick up is forcibly moved during a required forcible-movement time length along the radial direction of the disk when the track jump results in a failure in the second step upon the judgment in the first step that the search operation is completed (in the case where it is judged that there is next session, the session number increments by 1 (1 is added to the present session number) (Step S207), para [0010]), and the search operation is restarted in a next session according to a different format in the third step when the track jump is successful or the forcible movement is completed in the second step (and

then the optical disc drive repeatedly carries out the same process at Steps S203-S206 again, para [0010]).

Regarding claim 6, Katsuki teaches the audio data search control apparatus according to claim 3, wherein an optimum number of jumping tracks corresponding to a positional information of the pickup on the disk is obtained, the pickup is jumped over the optimum number of jumping tracks along the radial direction of the disk (If there is a next session, for example, in the case of the track structure of the optical disc 2 as shown in FIG. 3, position information (time information) of the start position (start time) of the lead-in area of the second session is recorded in the TOC information in the lead-in area of the first session, para [0082]), it is judged whether or not the track jump is successful, and an optimum forcible-movement time length corresponding to a positional information of the pickup on the disk is obtained and the pickup is forcibly moved during the optimum forcible-movement time length along the radial direction of the disk when the track jump results in a failure in the second step upon the judgment in the first step that the search operation is completed (in the case where it is judged that there is next session, the session number increments by 1 (1 is added to the present session number) (Step S207), para [0010]), and the search operation is restarted in a next session according to a different format in the third step when the track jump is successful or the forcible movement is completed in the second step (and then the optical disc drive repeatedly carries out the same process at Steps S203-S206 again, para [0010]).

Regarding claim 7, Katsuki teaches the audio data search control apparatus according to claim 3, wherein the pickup is jumped over a required number of jumping tracks along the radial direction of the disk, it is judged whether or not the track jump is successful (see para [0085] to [0091]), and an optimum forcible-movement time length corresponding to a positional information of the pickup on the disk is obtained and the pickup is forcibly moved during the optimum forcible-movement time length along the radial direction of the disk when the track jump results in a failure in the second step upon the judgment in the first step that the search operation is completed (If there is a next session, for example, in the case of the track structure of the optical disc 2 as shown in FIG. 3, position information (time information) of the start position (start time) of the lead-in area of the second session is recorded in the TOC information in the lead-in area of the first session, para [0082]), and the search operation is restarted in a next session according to a different format in the third step when the track jump is successful or the forcible movement is completed in the second step (and then the optical disc drive repeatedly carries out the same process at Steps S203-S206 again, para [0010]).

Regarding claim 8, Katsuki teaches the audio data search control apparatus according to claim 3, wherein an optimum number of jumping tracks corresponding to a positional information of the pickup on the disk is obtained, the pickup is jumped over the optimum number of jumping tracks along the radial direction of the disk, it is judged whether or not the track jump is successful (see para [0085] to [0091]), and the optical pickup is forcibly moved during a required forcible-movement time length along the



radial direction of the disk when the track jump results in a failure in the second step upon the judgment in the first step that the search operation is completed (If there is a next session, for example, in the case of the track structure of the optical disc 2 as shown in FIG. 3, position information (time information) of the start position (start time) of the lead-in area of the second session is recorded in the TOC information in the lead-in area of the first session, para [0082]), the search operation is restarted in a next session according to a different format in the third step when the track jump is successful or the forcible movement is completed in the second step (and then the optical disc drive repeatedly carries out the same process at Steps S203-S206 again, para [0010]).

Regarding claim 9, Katsuki teaches the audio data search control apparatus according to claim 5, wherein a retry process of the track jump is executed in the second step when the track jump results in a failure (see para [0085] to [0091]). Regarding claim 10, Katsuki teaches an audio data search control method for identifying a cue of an audio data recorded on a multi-session disk (see Fig. 3) using a pickup capable of moving on the disk in a radial direction thereof (the optical disc drive 1 includes: an optical pick-up (optical head) 3 which is capable of moving in a radial direction of the loaded optical disc 2, para [0060]) and a microcomputer for controlling the movement of the pickup (The control means 9 is generally constituted from a microcomputer (CPU). The control means 9 controls the overall of the elements of the optical disc drive 1, including the optical pick-up 3, para [0061]), wherein the microcomputer executes: a first step for judging whether or not a search operation for a

last audio data file in an optional session is completed during the search operation in the session (The optical disc drive sets "1" to a session number (SN), namely, specifies a first session (Step S202), searches the lead-in area of the first session (Step S203), and acquires the TOC information of this session (Step S204), Para [0008]); a second step for forcibly moving the pickup during a required forcible-movement time length along the radial direction of the disk upon the judgment in the first step that the search operation is completed (in the case where it is judged that there is next session, the session number increments by 1 (1 is added to the present session number) (Step S207), para [0010]); and a third step for restarting the search operation in a next session according to a different format after the forcible movement is completed (and then the optical disc drive repeatedly carries out the same process at Steps S203-S206 again, para [0010]).

Regarding claim 11, Katsuki teaches the audio data search control method according to claim 10, wherein an optimum forcible-movement time length corresponding to a positional information of the pickup on the disk is obtained, and the pickup is forcibly moved along the radial direction of the disk during the optimum forcible-movement time length in the second step upon the judgment in the first step that the search operation is completed (If there is a next session, for example, in the case of the track structure of the optical disc 2 as shown in FIG. 3, position information (time information) of the start position (start time) of the lead-in area of the second session is recorded in the TOC information in the lead-in area of the first session, para [0082]).

Regarding claim 12, Katsuki teaches an audio data search control method for identifying a cue of an audio data recorded on a multi-session disk using a pickup capable of moving on the disk in a radial direction thereof (the optical disc drive 1 includes: an optical pick-up (optical head) 3 which is capable of moving in a radial direction of the loaded optical disc 2, para [0060]) and a microcomputer for controlling the movement of the pickup (The control means 9 is generally constituted from a microcomputer (CPU). The control means 9 controls the overall of the elements of the optical disc drive 1, including the optical pick-up 3, para [0061]), wherein the microcomputer executes: a first step for judging whether or not a search operation for a last audio data file in an optional session during the search operation in the session (The optical disc drive sets "1" to a session number (SN), namely, specifies a first session (Step S202), searches the lead-in area of the first session (Step S203), and acquires the TOC information of this session (Step S204), Para [0008]); a second step for jumping the pickup over a required number of jumping tracks along the radial direction of the disk upon the judgment in the first step that the search operation is completed (in the case where it is judged that there is next session, the session number increments by 1 (1 is added to the present session number) (Step S207), para [0010]); and a third step for restarting the search operation in a next session according to a different format when the track jump is completed in the second step (and then the optical disc drive repeatedly carries out the same process at Steps S203-S206 again, para [0010]).

Regarding claim 13, Katsuki teaches the audio data search control method according to claim 12, wherein an optimum number of jumping tracks corresponding to a positional information of the pickup on the disk is obtained, and the pickup is jumped over the optimum number of jumping tracks along the radial direction of the disk in the second step upon the judgment in the first step that the search operation is completed (If there is a next session, for example, in the case of the track structure of the optical disc 2 as shown in FIG. 3, position information (time information) of the start position (start time) of the lead-in area of the second session is recorded in the TOC information in the lead-in area of the first session, para [0082]).

Regarding claim 14, Katsuki teaches the audio data search control method according to claim 12, wherein the pickup is jumped over a required number of jumping tracks along the radial direction of the disk, it is judged whether or not the track jump is successful (see para [0085] to [0091]), and the pick up is forcibly moved during a required forcible-movement time length along the radial direction of the disk when the track jump results in a failure in the second step upon the judgment in the first step that the search operation is completed (If there is a next session, for example, in the case of the track structure of the optical disc 2 as shown in FIG. 3, position information (time information) of the start position (start time) of the lead-in area of the second session is recorded in the TOC information in the lead-in area of the first session, para [0082]), and the search operation is restarted in a next session according to a different format in the third step when the track jump is successful or the forcible movement is completed

in the second step (and then the optical disc drive repeatedly carries out the same process at Steps S203-S206 again, para [0010]).

Regarding claim 15, Katsuki teaches the audio data search control method according to claim 12, wherein an optimum number of jumping tracks corresponding to a positional information of the pickup on the disk is obtained, the pickup is jumped over the optimum number of jumping tracks along the radial direction of the disk, it is judged whether or not the track jump is successful (see para [0085] to [0091]), and an optimum forcible-movement time length corresponding to the positional information of the pickup on the disk is obtained and the pickup is forcibly moved during the optimum forcible-movement time length along the radial direction of the disk when the track jump results in a failure in the second step upon the judgment in the first step that the search operation is completed (If there is a next session, for example, in the case of the track structure of the optical disc 2 as shown in FIG. 3, position information (time information) of the start position (start time) of the lead-in area of the second session is recorded in the TOC information in the lead-in area of the first session, para [0082]), and the search operation is restarted in a next session according to a different format in the third step when the track jump is successful or the forcible movement is completed in the second step (and then the optical disc drive repeatedly carries out the same process at Steps S203-S206 again, para [0010]).

Regarding claim 16, Katsuki teaches the audio data search control method according to claim 12, wherein the pickup is jumped over a required number of jumping tracks along the radial direction of the disk, it is judged whether or not the track jump is

successful (see para [0085] to [0091]), and an optimum forcible-movement time length corresponding to a positional information of the pickup on the disk is obtained and the pickup is forcibly moved during the optimum forcible-movement time length along the radial direction of the disk when the track jump results in a failure in the second step upon the judgment in the first step that the search operation is completed (If there is a next session, for example, in the case of the track structure of the optical disc 2 as shown in FIG. 3, position information (time information) of the start position (start time) of the lead-in area of the second session is recorded in the TOC information in the lead-in area of the first session, para [0082]), and the search operation is restarted in a next session according to a different format in the third step when the track jump is successful or the forcible movement is completed in the second step (and then the optical disc drive repeatedly carries out the same process at Steps S203-S206 again, para [0010]).

Regarding claim 17, Katsuki teaches the audio data search control method according to claim 12, wherein an optimum number of jumping tracks corresponding to a positional information of the pickup on the disk is obtained, the pickup is jumped over the optimum number of jumping tracks along the radial direction of the disk, it is judged whether or not the track jump is successful (see para [0085] to [0091]), and the optical pickup is forcibly moved during a required forcible-movement time length along the radial direction of the disk when the track jump results in a failure in the second step upon the judgment in the first step that the search operation is completed (If there is a next session, for example, in the case of the track structure of the optical disc 2 as

shown in FIG. 3, position information (time information) of the start position (start time) of the lead-in area of the second session is recorded in the TOC information in the lead-in area of the first session, para [0082]), and the search operation is restarted in a next session according to a different format in the third step when the track jump is successful or the forcible movement is completed in the second step (and then the optical disc drive repeatedly carries out the same process at Steps S203-S206 again, para [0010]).

Regarding claim 18, Katsuki teaches the audio data search control apparatus according to claim 12, wherein a retry process of the track jump is executed when the track jump results in a failure in the second step (see para [0085] to [0091].

Regarding claim 19, Katsuki teaches the recording medium on which a program for the computer of the audio data search control apparatus as recited in any of Claims 1 through 9 to execute the respective steps is recorded (The flash ROM 32 is a kind of EEPROM (Electrically Erasable and Programmable Read Only Memory) for storing firmware and the like, para [0074]).

Regarding claim 20, Katsuki teaches the program for the computer of the audio data search control apparatus as recited in any of Claims 1 through 9 to execute the respective steps (The flash ROM 32 is a kind of EEPROM (Electrically Erasable and Programmable Read Only Memory) for storing firmware and the like, para [0074]).

## **Contact**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HENOK G. HEYI whose telephone number is (571)270-1816. The examiner can normally be reached on Monday to Friday 8:30 to 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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